

**A RESOLUTION BY  
COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS ("CITY"), WITH LESLIE'S POOLMART, INC., FOR FC-3006007939 FOR THE PURPOSE OF INSTALLING SWIMMING POOL SAFETY COVERS AT THE CITY'S VARIOUS SWIMMING POOLS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY SIX THOUSAND EIGHT HUNDRED TWENTY FOUR DOLLARS AND THIRTY NINE CENTS (\$226,824.39). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 1C53 (OPPORTUNITY BOND FUND) 573001 (FACILITY BUILDINGS) N12D03B69999 (SWIMMING POOL IMPROVEMENT, CITY WIDE); AND FOR OTHER PURPOSES.**

**WHEREAS**, the draining of the City's swimming pools every year deteriorates the pool surface and as a result the City must resurface the pools every five (5) years at a significant cost to the City; and

**WHEREAS**, the installation of Swimming Pool Safety Covers (by Loop Loc) will prevent the draining and refilling of the City swimming pools and will render the City a substantial financial savings; and

**WHEREAS**, the City advertised for FC-3006007939, on behalf of the Department of Parks, Recreation and Cultural Affairs; and

**WHEREAS**, the Commissioner of the Department of Parks, Recreation and Cultural Affairs and the Chief Procurement Officer of the Department of Procurement have recommended that the agreement for FC-3006007939, Installation of Swimming Pool Safety Covers be awarded to the most responsive and responsible bidder, Leslie's Poolmart, Inc.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES** that the Mayor be and is hereby authorized to execute a contract, on behalf of the Department of Parks, Recreation and Cultural Affairs, with Leslie's Poolmart, Inc. for FC-3006007939, for the purpose of installing swimming pool safety covers in an amount not to exceed two hundred twenty six thousand eight hundred twenty four dollars and thirty nine cents (\$226,824.39).

**BE IT FURTHER RESOLVED**, that the City Attorney be and is directed to prepare the appropriate contractual Agreement for execution by the Mayor, and to be approved by the City Attorney as to form.

**BE IT FURTHER RESOLVED**, that the term of the agreement with Leslie's Poolmart, Inc. shall be for a term of one hundred eighty (180) days with an option to extend on a month to month basis not to exceed eight (8) additional months at the sole discretion of the City.

**BE IT FURTHER RESOLVED** that the agreement(s) authorized hereunder shall not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been signed by the Mayor, attested to by the municipal clerk, approved by the City Attorney as to form, and delivered to Leslie's Poolmart, Inc.

**BE IT FINALLY RESOLVED**, that all contracted work shall be charged to and paid from Fund Account and Center Number: 1C53 (OPPORTUNITY BOND FUND) 573001 (FACILITY BUILDINGS) N12D03B69999 (SWIMMING POOL IMPROVEMENT, CITY WIDE)

## ***Legislation White Paper***

**Committee of Purview**

**Community Development/Human Resources Committee**

### **Caption:**

**Council Meeting Date:**

September 5, 2006

**Legislation Title:**

A resolution authorizing the Mayor to enter into a contractual agreement with Leslie's Poolmart, Inc. for FC-3006007939, Swimming Pool Safety Covers (by Loop Loc) Measured & Installed at Various Pool Sites.

**Requesting Department:**

Department of Parks, Recreation and Cultural Affairs

**Contract Type:**

Construction/Improvements

**Source Selection:**

Sealed Bids

**Bids/Proposals Due:**

July 21, 2006

**Invitations Issued:**

60

**Bids/Proposals Received:**

2

**Bidder/Proponents:**

<b>Leslie's Poolmart, Inc.</b>	\$226,824.39
<b>CDB Construction</b>	\$404,000.00

**Justification Statement:**

Bids were evaluated for two bidders and a recommendation has been made to establish Leslie's Poolmart, Inc. as the lowest most responsive vendor to perform the improvements at Various Pool Sites.

**Background:**

This project consists of measuring various swimming pools and installing pool covers, stainless steel springs and brass anchors. Covers must be Loop-Loc Swimming Pool Safety Covers, constructed of green mesh material with a 12-year warranty. Must purchase covers and hold at location until delivered to pool site for installation.

**Fund Account Center:**

1B01 573001 N12D03B69999 (\$226,824.39)

**Fiscal Impact (if any):**

(\$226,824.39)

**Term of Contract:**

Shall be for a term of One Hundred Eighty (180) days with an option to extend on a month to month basis not to exceed eight (8) additional months at the sole discretion of the City.

**Method of Cost Recovery:**

Not Applicable

**Approvals:**

**DOF:**

Approved

**DOL:**

Approved

**Prepared By:** Mimie L. Woods, Contracting Officer  
(404) 330-6271

**Contract Number:** FC-3006007939

**\*SIGN-IN SHEET FOR BID OPENING\***

MIMIE WOODS  
CONTRACTING OFFICER

**FC-3006007939**

**PROJECT TITLE: Swimming Pool Safety Covers (by Loop Loc) Measured and Installed  
at Various Pool Sites**

**DATE: JUNE 21, 2006**

**TOTAL NUMBER OF BIDDERS:**

BIDDER'S NAME	BID BOND	ALT#1	BASE BID	TOTAL BID
Leslie's Poolmart, Inc.	<b>X</b>			<b>226,824.39</b>
CDB Construction	<b>X</b>			<b>404,000.00</b>
USA Pool Covers				<b>Can't except bid AFTER 1:59</b>

CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2006 JUN 28 PM 4:35



## CITY OF ATLANTA

SUITE 1700

55 TRINITY AVENUE, SW

ATLANTA, GA 30303

(404) 330-6010 Fax: (404) 658-7359

Internet Home Page: [www.atlantaga.gov](http://www.atlantaga.gov)

Shirley Franklin  
Mayor

OFFICE OF CONTRACT COMPLIANCE

Hubert Owens

Director

[howens@atlantaga.gov](mailto:howens@atlantaga.gov)

## MEMORANDUM

TO: Adam L. Smith Esq.  
Chief Procurement Officer

FROM: Hubert Owens  
Director – Office of Contract Compliance

RE: FC 3006007939, Swimming Pool Safety Covers

DATE: June 26, 2006

The Office of Contract Compliance has evaluated two (2) bids for minority and female business enterprise participation. Both proponents are eligible under Section 2-1449(a) (2) (C) and one of them has been deemed responsive by the Office of Contract Compliance. For your information, the proponents have committed to utilizing M/FBEs as indicated below:

### CDB Construction

NiTam/McMullin Group	AABE	33.00%
C. J. Hearn Construction	FBE	6.00%
<b>Total Participation</b>		<b>39.00%</b>

### Leslie's Swimming Pool Supplies

No participation or good faith efforts provided	0.00%
<b>Total Participation</b>	<b>0.00%</b>

(Non-Responsive)

If you have questions, please contact me at (404) 330-6010 or Tracy Reed at (404) 330-6011.

cc: File  
Mimie Woods, DOP



**CITY OF ATLANTA**

675 PONCE DE LEON AVE, SUITE 800  
ATLANTA, GEORGIA 30308

(404) 817-6788 -Fax (404) 817-6812

**SHIRLEY FRANKLIN**  
MAYOR

**DIANNE HARNELL COHEN**  
COMMISSIONER  
DEPARTMENT OF PARKS, RECREATION  
AND CULTURAL AFFAIRS

June 28, 2006

**MEMORANDUM**

**TO:** Adam Lorenzo Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Dianne Harnell Cohen

**RE:** F.C. 3006007939, Swimming Pool Safety Covers (by Loop Loc)  
Measured & Installed at Various Pool Sites

We have reviewed the bids for the above referenced project and recommend award to the lowest responsive bidder, **Leslie's Swimming Pool Supplies, 2924 Amwiler Road, Suite B, Doraville, Georgia 30360.**

The work should be completed within 180 days and the total bid amount of \$226,824.39 should be charged to the following account:

**1C53 - 573001 - N12D03B69999**

Thank you for your cooperation in executing our park improvement contracts.

DCH:SKD/mls

cc: Sushma Dersch	Karyl Clayton
Charlene Braud	Winfred Cartwright
Jay Lowery	Mimie Woods
Paul Taylor	Sam Lipkins
	Debra F. Harris

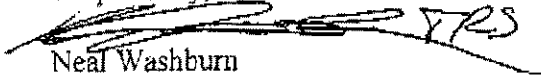
"The Heart and Soul of the City"



Leslie's Poolmart, Inc. is proposing the following changes to Bid #FC-3006007939  
Swimming Pool Safety Covers.

1. Progress Payment GC-38.2
  - 1a. Leslie's has been a vendor for the city on a number of contracts in the past and we value the city's business. Due to the significant investment in pre-cut custom safety covers, Leslie's wishes to exercise the progress payment clause outlined in the contract. We have outlined a payment schedule on our timeline, to insure that all materials are paid for in a timely manner.
2. General Conditions Section F #1 & 2
  - 1a. Leslie's has a full time Risk Management Department at our Corporate location in Phoenix that will dedicate as much time as required in assuring a safe workplace. All Service Managers are trained in loss/safety control.
  - 2a. The safety covers are engineered by Cantar in Youngstown, OH. Cantar distributes this product worldwide.
3. Termination for Convenience GC-23.4
  - 1a. We are requesting mutual right to terminate for Convenience with a 30 day written notice.
4. Working Drawings GC-28.4
  - 1a. The supplied drawings have been generated by the engineering staff at the manufacture, Cantar.
5. Quality Assurance 2.3
  - 1a. Installers to job site supervisor.
  - 2a. Please see 10-K for company security.
6. The contract refers to 16 pool locations, but the bid page refers to 12 pool locations. Leslie's will be bidding on the 12 locations that are listed on the bid page.

Respectfully,

  
Neal Washburn  
Government Accounts executive  
Leslie's Poolmart, Inc.



6/19/2006

**ACORD CERTIFICATE OF LIABILITY INSURANCE**

PRODUCER (602) 381-2800  
 ordia of Phoenix, Inc.  
 42 North 24th Street  
 Phoenix, AZ 85016-9998

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED Leslie's Poolmart, Inc.  
 Mr. Mark Lum  
 3925 East Broadway Road #100  
 Phoenix, AZ 85040-

## INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: St. Paul Travelers (Specialty)

INSURER B: Travelers Property Casualty

INSURER C: Liberty Mutual Fire Insurance Company

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADPL LTR INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	TJEXGL418J5038-05	11/1/2005	11/1/2006	EACH OCCURRENCE \$ 750,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ 100,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$
					PERSONAL & ADV INJURY \$ 750,000
B	AUTOMOBILE LIABILITY	TC2JCAP1761B060-05 AOS	11/1/2005	11/1/2006	GENERAL AGGREGATE \$ 2,000,000
					PRODUCTS - COMPROP AGG \$ 2,000,000
					COMBINED SINGLE LIMIT (EA ACCIDENT) \$ 1,000,000
					BODILY INJURY (Per person) \$
C	GARAGE LIABILITY	TH2661004271015	11/1/2005	11/1/2006	BODILY INJURY (Per accident) \$
					PROPERTY DAMAGE (Per accident) \$
					AUTO ONLY - EA ACCIDENT \$
					OTHER THAN AUTO ONLY: EA AGG \$
D	EXCESS/UMBRELLA LIABILITY	TC2JUB418J6338-05 DED	11/1/2005	11/1/2006	AGG \$ 10,000,000
					EACH OCCURRENCE \$ 10,000,000
					AGGREGATE \$ 10,000,000
					\$
E	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	KYJCMB295T195-1-05	11/1/2005	11/1/2006	\$
					ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/>
					DEDUCTIBLE \$ 100,000
					RETENTION \$
F	OTHER	Commercial Property	11/1/2005	11/1/2006	Special Form; Repl Cost 26,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

The City of Atlanta is listed as additional insured as respects work provided Leslie's Poolmart, Inc. (except workers compensation)

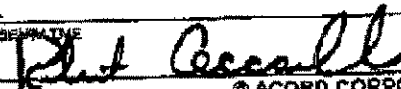
## CERTIFICATE HOLDER

City of Atlanta  
 55 Trinity Ave., SW, Ste 1790  
 Atlanta, GA 30303-

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



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ACORD 25 (2001/08)

## BID BOND

STATE OF GEORGIA  
COUNTY OF FULTON

KNOW ALL MEN BY THESE PRESENTS, that we,  
Leslie's Poolmart, Inc. as Principal, and  
Fidelity and Deposit Company of Maryland as Surety, are  
held and firmly bound unto the City of Atlanta, Georgia in the sum  
Five Percent of the Bid Amount  
Dollars (\$ 5% ) lawful money of the United  
States of America, for the payment of which sum will and truly to be made, we bind  
ourselves, our heirs, personal representatives, successors and assigns, jointly and  
severally, firmly by these presents.

WHEREAS, the Principal was submitted to the Owner a Bid for FC-3006007939,  
Swimming Pool Safety Covers (by Loop Loc) Measured and Installed at Various  
Pool Sites.

NOW, THEREFORE, the conditions of this obligation are such that if the Bid be  
accepted, the Principal shall, within ten (10) days after receipt of conformed Agreement  
Documents, execute a Agreement in accordance with the Bid upon the terms, conditions  
and prices set forth therein, and in the form and manner required by the Agreement  
Documents and execute sufficient and satisfactory separate Performance and Payment  
Bonds payable to the Owner, then this amount of five percent (5%) of the total bid  
amount in form satisfactory to the Owner, then this obligation shall be void; otherwise, it  
shall be and remain in full force and effect in law; and the Surety shall, upon failure of  
the Principal to comply with any or all of the foregoing requirements within the time  
specified above, immediately pay to the aforesaid Owner, upon demand, the amount  
hereof in good and lawful money of the United States of America, not as a penalty, but  
as liquidated damages.

This bond is given pursuant to and in accordance with the provision of O.C.G.A. Section  
13-10-1 and 36-82-101 et. Seq. And all the provisions of the law referring to this  
character of bond as set forth in said Sections or as many be hereinafter enacted and  
these are hereby made a part hereof to the same extent as if set out herein in full.

IN WITNESS WHEREOF, the said Principal has hereunder affixed its signature and  
seal, and said Surety has hereunto caused to be affixed its corporate signature and seal,  
by its duly authorized officers, on this 19th day of  
June, 2006.

Leslie's Poolmart, Inc.

By: 

Fidelity and Deposit Company of Maryland

By: 

Lisa L. Thornton, Attorney in Fact

Bid Bond  
Page 2

Resident agent in state in which Work is to be performed:

Name:

Aon Risk Services, Inc. of Georgia

Address:

One Piedmont Center, Suite 700

3565 Piedmont Road, N.E., Atlanta, GA 30305

Phone:

404 261-3400

Fax:

404 264-3002

## CITY OF ATLANTA CONTRACT COMPLIANCE CERTIFICATE

The undersigned has prepared and submitted all the documents attached hereto. The documents have been prepared with a full understanding of the City's objectives with respect to increased opportunity in the proposed work to be undertaken in performance of this project. It is the Eligible Bidder's intent to comply with the City's Equal Business Opportunity Program, the Equal Employment Opportunity goals and the First Source Jobs employment program.


All information and representations contained herein and submitted with this bid or proposal are true and correct.

\_\_\_\_\_ This entity is approved as a Category A Eligible Bidder. A copy of the Eligible Bidder Certificate and this Contract Compliance Certificate are being submitted along with the bid.

\_\_\_\_\_ This entity is approved as a Category B Eligible Bidder. A copy of the Eligible Bidder Certificate and this Contract Compliance Certificate are being submitted along with the bid.

✓ \_\_\_\_\_ This entity is approved as a Category C Eligible Bidder. A copy of the Eligible Bidder Certificate, this Contract Compliance Certificate and the subcontractor Project Plan are being submitted along with the bid.

  
Witness

  
Signature

Eligible Bidder Authorized Representative

Date 20 June 2006

Eligible Bidder

**Leslie's Poolmart Inc.**

FC - 3006007939

Project Name Swimming Pool Safety covers and Installation

EBO Bid Document

13

5/3/2006

FIRST SOURCE JOB INFORMATION

Company Name Leslie's Poolmart Inc.

FC- 3006007939

Project Name Swimming Pool Safety blankets and Installation

The following entry level positions will become available as a result of the above referenced contract with the City of Atlanta.

1. None on this project
- 2.
- 3.
- 4.
- 5.

Include a job description and all required qualifications for each position listed above.

Identify a company representative and contact phone number who will be responsible for coordinating with the First Source Jobs Program.

Company Representative NEAL Washburn

Phone Number 800-233-8063 X-4124

FORM 2

THIS AGREEMENT REGARDING THE USE OF THE FIRST SOURCE JOBS PROGRAM BY CONTRACTORS WITH THE CITY OF ATLANTA TO FILL ENTRY LEVEL JOBS is made and entered into by **Leslie's Poolmart Inc.**  
This 20th day of June, 2006.

Whereas the City of Atlanta requires the immediate beneficiary or primary contractor for every eligible project to enter into a First Source Jobs employment agreement. The contractor agrees to the following terms and conditions:

- The first source for finding employees to fill all entry level jobs Created by the eligible project will be the First Source Program.
- The contractor will make every effort to fill 50% of the entry level jobs created by this eligible project with applicants from the First Source Program.
- The contractor shall make good faith effort to reach the goal of this employment agreement.
- Details as to the number and description of each entry level job must be provided with the bid.
- The contractor shall comply with the spirit of the First Source Jobs Policy beyond the duration of this agreement and continue to make good faith attempts to hire employees of similar backgrounds to those participating in the First Source Program.
- The contractor as a condition of transfer, assignment or otherwise shall require the transferee to agree in writing to the terms of the employment Agreement.

Upon a determination that a beneficiary or contractor has failed to comply with the terms of this Agreement, the City may impose the following penalties based on the severity of the non-compliance:

- The City of Atlanta may withhold payment from the contractor.
- The City of Atlanta may withhold 10 percent of all future payments on the contract until the contractor is in compliance
- The City of Atlanta may refuse all future bids on city projects or applications for financial assistance in any form from the City until the contractor demonstrated that the First Source requirements have been met, or cancellation of the eligible project.
- The City of Atlanta may cancel the eligible project.

All terms stated herein can be found in the City of Atlanta Code of Ordinances Sections 5-8002 through 5-8005.

The undersigned hereby agrees to the terms and conditions set forth in this agreement.

  
Contractor

FORM 3

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): TERRY GRANDISON

*Terry Grandison*

Contact

Number: 6946

Originating Department: Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Community Development and Human Resources  
Committee \_\_\_\_\_

Council

Deadline: 8/14/06

Committee Meeting Date(s): 8/29-8/30 Full Council Date: 9/05/06

Commissioner Signature

*[Signature]*

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS ("CITY"), WITH LESLIE'S POOLMART, INC., FOR FC-3006007939 FOR THE PURPOSE OF INSTALLING SWIMMING POOL SAFETY COVERS AT THE CITY'S VARIOUS SWIMMING POOLS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY SIX THOUSAND EIGHT HUNDRED TWENTY FOUR DOLLARS AND THIRTY NINE CENTS (\$226,824.39). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 1C53 (OPPORTUNITY BOND FUND) 573001 (FACILITY BUILDINGS) N12D03B69999 (SWIMMING POOL IMPROVEMENT, CITY WIDE); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): City of Atlanta would pay Leslie's Poolmart, Inc. \$226,824.00 to install the swimming pool safety covers.

Mayor's Staff Only

Received by Mayor's Office:

8.15.06  
(date)

Reviewed by:

\_\_\_\_\_  
(date)

Submitted to Council:

\_\_\_\_\_  
(date)